

# Notice of Allowability

Application No.

10/073,086

Examiner

George C Yeung

Applicant(s)

ENGLAR ET AL.

Art Unit

1761

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on May 10, 2004.
2. ☒ The allowed claim(s) ~~is/are~~ 1-22.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / ~~Comment or in the Office action of~~ Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/11/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

George C Yeung  
Primary Examiner  
Art Unit: 1761

### **EXAMINER'S AMENDMENT**

This application is in condition for allowance except for the presence of claims 23-25 which are drawn to a non-elected invention without traverse. Accordingly, claims 23-25 have been cancelled.

### **Prior Art Citation**

The Mendenhall ('388) patent is cited to show a hydraulic cutting blade assembly. The Mendenhall ('226) patent is cited to show a hydraulic food cutting apparatus.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance. The prior art of record does not show or suggest the food processing system as claimed in claims 1 and 20. The present food processing system comprises a fluid conduit configured for directing the food carried in a fluid medium along a food path; a food inlet operatively associated with the fluid conduit for feeding the food into the conduit; a pump operatively associated with the conduit for pumping the fluid through the conduit in a fluid stream direction; a processor unit associated with the conduit, disposed along the food path, and comprising a tool configured and associated with the conduit for performing a processing operation on the food; and a deceleration element operatively associated with the conduit and configured for decelerating the fluid and carried food


Art Unit: 1761

along the food path while maintaining the fluid stream substantially free of recirculation vortices.

***Drawing Objections***

Figures 1-6 are objected to as being informal. New, formal drawings  
MUST be submitted no later than the payment of the Issue Fee.

G. C. Yeung/af  
July 9, 2004



**GEORGE C. YEUNG  
PRIMARY EXAMINER**